

**MINUTES**  
**Massachusetts Oil Spill Prevention and Response Act Advisory Committee**  
**Tuesday, October 23, 2007**  
**Boston Marine Society, Building 32, National Historic Park**  
**Charlestown Navy Yard, Boston, MA**

**Attendees:**

Janine Commerford, MassDEP	Steve Dodge, Massachusetts Petroleum Council
Rich Packard, MassDEP	Gregg Farmer, Boston Harbor Pilot Association
Steve Mahoney, MassDEP	Ed LeBlanc, USCG – S E New England Sector
David Janik, MA EOEEA	Heather Morrison, USCG – Boston Sector
Kevin Partridge, Dept. Fire Services	Korin Peterson, Coalition for Buzzards Bay
Kathleen Dolan, Mass Environmental Police (MEP)	Moses Calouro, Maritime Information Systems
Lt. W. F. Gray, III, (MEP)	Rachel Colella, NEWMOA

**Introduction:**

Janine Commerford, Assistant Commissioner, MassDEP, welcomed the group to today's meeting. She gave a brief introduction, explaining that the new Commissioner of MassDEP, Laurie Burt has been following the MassDEP litigation activities closely, and will soon be up to speed with those activities related to the Oil Spill Act (OSA) and could possibly become more involved in the project.

**Legislative Update:**

Ms. Commerford informed the group that there is currently a bill proposed to amend the OSA. The bill proposes that the OSA provide rescue tug services to all barge vessels that come into Buzzards Bay. In order to pay for these services, the bill proposes to raise the fee paid into the OSA Trust Fund from 2¢ per barrel to 5¢ per barrel and to remove the \$10,000,000 cap on the OSA Trust Fund. Ms. Commerford noted that this bill is meant to compliment the current US Coast Guard (USCG) regulations, which now affect only single-hulled vessels. MassDEP will use the money from the increased fees to pay for the rescue tugs that will be manned by state licensed pilots, to shadow the tug and barge vessels. The bill was reported out of Senate Ways and Means last week

Ms. Commerford stated that MassDEP is following this bill closely, as they will be the agency responsible for managing the activities. MassDEP will have to work closely with the USCG and may also need to involve the Environmental Police to monitor the new provisions. Steve Dodge, Massachusetts Petroleum Council, asked if an increase to 5¢ per barrel was more than was needed, noting that it is more than double the current rate. He stated that he felt industry would not mind paying that fee (the fees in Rhode Island are currently 5¢ per barrel), but thought that this additional revenue, which is expected to yield almost \$3 million per year in addition to the usual \$2 million per year might not be needed.

Ed LeBlanc, USCG, stated that he had a lot of practical questions related to the implementation of these activities, particularly related to the number of rescue tugs and escort tugs needed. He also felt that the bill needs to factor in the increased congestion in the Bay and potential increases in risks from additional tugs. Korrin Peterson, Coalition for Buzzards Bay, responded that the bill allows one tug escort for multiple barges and therefore, feels that there will be enough escorts to meet demands. She noted that the vessel traffic in Buzzards Bay is currently about 50% single-hull vessels and 50% double-hull vessels. It was also noted that if a tug escort accompanies a single-hull vessel the rescue tug requirement does not apply. Rich Packard, Program Manager, MassDEP, also noted that there appears to be an increase in the number of barges carrying ethanol to be blended with gasoline. These barges do not pay into the OSA trust Fund.

### **Current Implementation Activities:**

#### Spill Trailers and Equipment

Mr. Packard reported that MassDEP has continued to provide spill trailers and equipment to the communities in Cape Cod and the Islands. In the last 6 months 19 spill trailers have been delivered to the Cape and Islands communities. He noted that MassDEP would be supplying the town of Aquinnah on Martha's Vineyard with two smaller 12-foot trailers to accommodate their needs. He plans to give their original 20-foot trailer to Nantucket, if they want it. In addition 1 12' spill trailer has been distributed to each of MassDEP regional offices in SERO and NERO.

#### Training for Local Responders

After delivery of the spill response trailers, the towns receive a 1-day "familiarization training" so that local responders can become familiar with the equipment and its uses. Mr. Packard reported that six trainings have occurred in towns on Cape Cod over the summer, and trainings are also scheduled for Martha's Vineyard and Nantucket over the next few weeks. He also reported that a "field exercise" is scheduled for November 6<sup>th</sup> for towns primarily in Buzzards Bay. The focus of this training will be to get responders to work together in the field and to implement and test a strategy identified in the Geographic Response Plan (GRP).

#### Geographic Response Plans

Mr. Packard reported that Nuka Research & Planning is continuing its work to develop the GRP's for Cape Cod and the Islands. MassDEP and Nuka have convened a workgroup that has identified the priority sites and are visiting these areas by boat in order to develop protection strategies. Nuka then puts this information into a GIS map for future use. Ms. Commerford also noted that MassDEP has been coordinating with state, local, and federal agencies to further develop the GIS map by listing current resources. The Coalition for Buzzards Bay and Nuka are continuing a project involving outreach and gathering feedback from the communities in Buzzards Bay regarding their current GRP. Nuka will update the Buzzards Bay GRP based on feedback from the towns and other stakeholders.

Dave Janik, MA EOEEA, stated that MassDEP should marry the GRP information with the spill equipment. For example, some towns may need more than 1,000-feet of boom in order to protect a priority area. Mr. Packard noted that MassDEP retains ownership of all of the spill response trailers and therefore can move equipment from one location to another when needed. Also towns may request mutual aid from another town in order to address a spill. Mr. LeBlanc stated that the concept of the mutual aid agreement needs to be developed further. Specifically, he suggested that it specify instances when a neighboring town can say no – if that town is also vulnerable to a spill, they might not want to give up their equipment, and the impacted town should request equipment or assistance from a town farther away. Mr. Packard acknowledged that this was a concern the mutual aid agreement should address. He also noted that it would address storage issues – especially for the towns requiring additional equipment.

### **Final Interim Implementation Plan:**

Ms. Commerford announced that the Interim Plan has now been finalized and that MassDEP incorporated many of the comments received from the OSA Advisory Committee. Many of the tasks identified in the Interim Plan are completed or underway. MassDEP has also begun work on the 3-5 year Strategic Plan, which will address the long-term issues of the OSA. She welcomed comments from the Committee regarding this plan.

Mr. Dodge asked if underground storage tanks (USTs) or above-ground storage tanks (ASTs) would be addressed in the plan. He said that although an oil spill from a storage tank would be localized, it could still impact a vulnerable coastal area. Mr. Packard stated that MassDEP could list these areas in the GIS map, especially any storage tanks that are large or are near the water. Kevin Partridge, Department of Fire Services, stated that the local fire departments have information on storage tank locations and would share this with MassDEP.

### **Prevention**

Ms. Commerford reported on the Prevention Subcommittee meeting that was held in September. The Subcommittee discussed the proposed vessel tracking systems, including the VMRS system. Mr. LeBlanc explained that the planned VMRS would extend the vessel tracking process from the existing Cape Cod Canal approaches to the entrance to Buzzards Bay. The vessels will send information on speed, position, identification, cargo, etc. to the USACOE using a variety of either voice reporting or Automated Information Systems (AIS), or both. The US Army Corp of Engineers (AOCE) will be responsible for monitoring the vessels transit from entrance of Buzzards Bay through the canal. The USCG and ACOE will sign a Memorandum of Agreement (MOA) for this activity in the next couple of weeks.

The Regulated Navigation Area and VMRS do not give the ACOE the authority to direct vessel movement in this expanded area. If a condition is detected that requires the directing a vessel to take certain actions the USCG has Captain of the Port authority that can be used. The rules for the VMRS system will be in effect on November 28, 2007. The USCG and ACOE plan to get this information out to the pilots through press releases, listservs, etc.

Ms. Commerford noted again that the delivery of spill trailers and equipment to towns is well underway. MassDEP will continue to provide equipment to the towns identified in the coastal risk assessment and current inventory over the next 3-5 years.

### Training

Mr. Packard reported on the Training Subcommittee meeting that was held in September. He stated that familiarization trainings are being given to towns in conjunction with delivery of the spill trailers and equipment. MassDEP and Fleet Environmental have video-taped these training sessions and will make an interactive CD to give to towns as a way to expand the training as a “train-the-trainer” program. The other types of training sessions discussed included training for marine pilots – either at the Rhode Island facility or Massachusetts Maritime Academy. Gregg Farmer, Boston Harbor Pilot Association, mentioned that Northeast Maritime Institute in Fairhaven, MA has a training program that might be appropriate.

Another issue that the Subcommittee discussed was the financial burden on towns that send responders to these training events and have to pay overtime for replacement workers to fill-in for participants. MassDEP is evaluating these requests for salary reimbursements for these towns. Mr. Partridge reported that the Mass DPH as part of the providing Mass Decontamination units to certain towns also provides \$1500 grants. These grants are federal homeland security funded and are given to towns once a year. The towns must fulfill certain maintenance and training requirements and report back on their accomplishments.

Mr. Packard again mentioned the oil spill response training scheduled for November 6<sup>th</sup> and noted that an additional field exercise is planned for the Cape Cod communities in the spring. Ms. Commerford stated that MassDEP hopes to provide one of these types of drills every year. Additional training opportunities related to natural resource damages and wildlife rehabilitation will be addressed in the long term Strategic Plan.

### **AIS Vessel Tracking Capabilities:**

Moses Calouro, Maritime Information Systems, Inc., conducted a presentation on their AIS vessel tracking capabilities. Currently, AIS is required on large vessels over 300 tons. The system transmits a signal every 3-5 seconds and calculated automatic latitude and longitude locations of the vessel, so the information is very accurate.

Their system covers waterways from New York to Maine, which allows greater visibility of vessel traffic. There is one small corner of Buzzards Bay that lacks in coverage, but Maritime Information Systems is working with the Dartmouth harbormaster to get this area covered (provide an antennae).

Other system capabilities include overlaying AIS targets on satellite images or nautical charts that can show the vessel’s movements. This is helpful for oil spill prevention because the operator can see where a vessel caused a spill as well as all the other vessels in the area and be able to assess if these other vessels may be affected by the spill or if they may be able to provide assistance. The data is stored, allowing review of the vessel movements to assess how the spill

happened in the first place and if it could have been prevented. This would also be helpful for the escort tugs so they can be ready when a barge comes into Buzzards Bay.

However, Mr. Calouro noted that the information actually comes from the tug and not the barge itself. Therefore, the tug operator is responsible for inputting the barge length and cargo information manually. He noted that unless the tug is required to provide exact cargo information (i.e. the barge is carrying ethanol), they would probably not input it. Ms. Commerford noted that the presentation was very helpful in her understanding of the AIS capabilities, but was concerned about the unreliable information provided by the tugs.

The costs of using the AIS system provided by Maritime Information Systems include a one-time fee of \$150 and then \$750 per month for access. MassDEP would receive software for this application and access to the real time data on their website.

**Next Steps:**

Ms. Commerford stated that MassDEP would get in touch with the Committee in next month or so to determine the date of the next meeting. She felt that a schedule of 3-4 meetings per year is appropriate, with additional Subcommittee meetings when necessary. MassDEP and its contractors will spend time continuing to work on the tasks outlined in the Interim Plan.

**Adjournment:**

Ms. Commerford thanked everyone for attending and adjourned the meeting.